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ACDA-3239

April 18, 1969

SEABED ARMS CONTROL

I. BACKGROUND

In the past two years the international community has become increasingly interested in the possibilities of exploring and exploiting the resources of the seabed. Many countries, including the US, have taken the position that the seabed beyond the limits of national jurisdiction should be reserved exclusively for peaceful purposes. Several countries, including the US and USSR, proposed that the ENDC consider the question of arms control on the seabed.

As authorized in the Presidential letter of instructions, Ambassador Smith on March 18 stated to the ENDC "that the US is interested in working out an international agreement that would prohibit the emplacement or fixing of nuclear weapons or other weapons of mass destruction on the seabed." To that end, the Delegation identified in general terms the major questions pertinent to such an international agreement. On the same day the Soviet Union introduced a draft treaty which would prohibit the use of the seabed for military purposes beyond the 12-mile maritime zone of coastal states. Although the US Delegation has pointed out in general terms to the Conference the unacceptable features of the Soviet proposal (including conventional weapons and certain non-weapons military activities under the ban), there is little disposition, given the Soviet draft, to discuss vital factors in the abstract. Discussions are proceeding in general terms oriented around and favorable to the Soviet draft. Most ENDC members, including the Soviet Union, expect the US to table a counter draft early on in order to have a basis for comparing detailed opposing positions.

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II. ISSUES

In order to develop a detailed US position, NSSM 41 directs that a study be prepared on the issue of a treaty prohibiting the emplacement or fixing of nuclear weapons or other weapons of mass destruction on the seabeds. This study examines:

- a) the pros and cons of whether such a treaty is in the overall US interest;
- b) the pros and cons of the alternative formulations of the specific provisions of such a treaty;
- c) the prospects for obtaining agreement on the various formulations of the treaty; and
- d) the factors affecting the timing of our proposing a specific treaty draft.

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1. Pros and Cons of whether such a treaty is in US interest

PRO:

a. It would prevent the spread of the nuclear arms race to a new environment. It would be much easier to negotiate now before nuclear weapons are actually deployed on the seabed.

b. It would give concrete expression to the President's announced desire to move from an era of confrontation to an era of negotiation and would help in rebutting those critics of the US who doubt our willingness to accept restrictions on ourselves.

c. By demonstrating US willingness to cooperate in curbing the nuclear arms race, it would

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help gain further support for the NPT at a critical time in the launching of that treaty.

d. The US has no plans or programs for seabed deployment of nuclear weapons. However, if required by some future situation, the US would, under the draft treaty at Tab A, still have many thousands of square miles of underwater area in the narrow band along the coasts within which it could carry on research and development and deploy such weapons.

e. Achievement of a treaty limited to prohibition of weapons of mass destruction would help to reduce international pressures for adoption of more sweeping limitations on military uses of the seabed and superjacent waters which might, unlike the US approach, restrict deployment of surveillance systems (SOSUS) or our SLBM forces.

f. The Intelligence Community has estimated (in Special National Intelligence Estimate 11-12-68, dated August 15, 1968) that neither the USSR nor any other country would, during the next ten years or so, deploy weapons of mass destruction on the seabed in violation of an agreement banning such deployment, and that, in any case, the US probably could detect and identify by national means deployment of such weapons under the open ocean--either individually encapsulated missiles or missile-launching vehicles--before a large number become operational.

g. It would reinforce US efforts at a number of international forums to promote international cooperation in peaceful uses of the seas.

CON:

a. An agreement would deny the US the option of using wide areas of the seabed as a means for diversifying, enhancing and providing security for its nuclear weapons capability if this should be required in the future.

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b. In light of the current lack of understanding of many of the scientific and technical aspects of future ocean activities and their relationship to legal considerations, it is impossible to envision all the ramifications which an arms control regime could impose upon the security interests of the US and its allies.

c. While the USSR has a land area over twice that of the US, giving it an obvious land-deployment advantage, the US has a conveniently located territorial base and a lead in the necessary technology for the effective use and control of a wide range of deep seabed areas in both the Atlantic and Pacific oceans. Soviet access to the deep oceans is relatively restricted and environmentally difficult.

d. Any such restrictions on seabed deployments may encourage subsequent proposals to establish further restrictions on military uses of the seabed, the superjacent waters or the airspace above.

e. It might result in demands that the US reveal information on sensitive US underwater installations.

f. According to a Special National Intelligence Estimate (SNIE 11-12-68, dated August 15, 1968), there are a number of circumstances in which our capabilities for verification by national means are limited. These include deployment under enclosed seas or of small numbers of individually encapsulated missiles or missile-launching vehicles. Moreover, our chances of detecting deployment of untended nuclear mines which did not make use of external command and control would be minimal.

2. PROS AND CONS of Alternative Treaty Formulations

If it is determined that such a treaty is in the national interest, there are several issues with

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regard to Treaty articles that need decision. (Complete text of a proposed draft treaty, including alternative formulations, is attached at Tab A.)

A. Article I - Should the treaty prohibit ALL weapons of mass destruction, together with associated launching platforms and/or delivery vehicles?*
(See Tab B for examples of what would be prohibited or permitted under the different formulations of Article I.)

PRO:

(1) Such a formulation would make it clear that the US intends to foreclose all avenues which could leave open the possibility of a costly extension of the nuclear arms race to this environment and would thus help make the US approach more acceptable to other countries.

(2) It would reduce the likelihood that states would develop mobile seabeds weapons systems.

CON:

(1) It would increase the problem of verification, since certain mobile submersible systems may be adapted or designed to operate either from the seabed or in the superjacent waters.

(2) It would eliminate our option of deploying mobile weapons systems on the seabed, should such deployment be in our interest in the future.

* The prohibition in this Article is not intended to affect the conduct of peaceful nuclear explosions (Plowshare) or the application of nuclear energy in reactors, scientific research, etc. This point would be made clear in course of international discussions and negotiations and could be covered explicitly in an appropriate treaty article, if desired at that time.

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B. Article I - Should the treaty prohibit ONLY
FIXED weapons of mass destruction, together with
associated launching platforms and/or delivery vehicles?

PRO:

(1) Such a formulation would permit us to take advantage of our lead in technology by deploying mobile submersible systems (as described in Tab B) should it be in our interest.

(2) Restricting the treaty to fixed weapons and fixed launching platforms is more compatible with expected national verification capabilities to insure compliance, not only because of the difficulty in finding a mobile system on the seabed once deployment had been detected, but also because of the difficulty in proving that a mobile system was designed specifically for use on the seabed.

(3) Such a prohibition would be a useful first step in achieving the objective of preventing an extension of the nuclear arms race to the seabed.

CON:

(1) By permitting states to deploy mobile submersible systems carrying nuclear weapons, it would not achieve the objective of preventing an extension of the nuclear arms race to the seabed.

(2) By limiting the coverage of the treaty, it would probably be unacceptable to the Soviet Union, the UK, and the non-nuclear countries.

(3) Such a limited proposal would raise suspicions about US intentions concerning peaceful uses of the seabed being discussed in other forums.

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C. Article I - Should the area of application of the treaty extend UP TO THE COAST of any other state?

PRO:

(1) Such a formulation would increase the zone of application of the treaty to the maximum area beyond the narrow band, thus enhancing the significance of the treaty as an effort to prevent an arms race in this area.

(2) It would avoid political controversy arising from the implication that states could emplace prohibited weapons in offshore areas of other friendly states with their consent.

CON:

(1) In the event of a suspected violation within the territorial waters of any state, it would give rise to the necessity for clandestine inspection, unless special procedures for inspection can be negotiated.

(2) It could be viewed by our allies as an undesirable restriction, if they wish to keep open the option of having US weapons emplaced off their coasts, should this ever be in the interest of the alliance.

D. Article I - Should the area of application of the treaty extend UP TO A CORRESPONDING BAND adjacent to the coast of any other state?

PRO:

(1) Such a formulation would avoid the problem of providing special procedures for inspection of suspected violations by states occurring in the territorial seas of other states within the narrow band.

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(2) It would preserve the option of emplacing weapons within the narrow band of our allies should it be in our mutual interest.

(3) It has greater chance of acceptance because it is less likely to impinge on the sensitive subject of territorial waters and would more closely parallel the concept of the Soviet draft.

CON:

(1) Such a formulation may give rise to suspicion that the US wishes to legitimize the emplacement of weapons within the narrow band of other states thereby escaping the effect of the restriction.

(2) It would reduce the zone of application of the prohibition. The significance of the fact would depend upon the width of the narrow band.

E. Article II - Should the width of the band beyond which the prohibition would apply be 12 miles? *

* Article II states that the width of the band will be measured from baselines. Under any formulation concerning baselines it will be necessary to reach an understanding on certain marginal seas being claimed as inland seas. Most particularly, the U.S. cannot accept certain Soviet claims that would allow for much broader areas than the band adjacent to our coasts within which weapons could be placed. As a matter of tactics, we should publicly recognize the difficulty and, accordingly, have left blank paragraph 2 of Article II. We believe the issue should be resolved in the ENDC. In a statement at the ENDC, we should say that we prefer drawing baselines in the manner specified in the Convention on the Territorial Sea and Contiguous Zone to which some 38 States are parties, but that an agreed interpretation of its principles must be reached to assure an equitable band and balanced obligations.

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[REDACTED]

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PRO:

(1) A 12 mile band, on the basis of existing international law and practice, appears to be most susceptible of wide agreement.

(2) While extending the ban to broad areas of the seabed, such a band would still provide thousands of square miles of underwater area within which we could carry on research and development or deployment of weapons, should that be in our interest.

(3) While such a band would be established for the purposes of the treaty only, with no legal effect on national claims of sovereignty or jurisdiction over the seabed or the superjacent waters, it might reinforce efforts to establish a 12 mile territorial sea, together with transit rights.

CON:

(1) The US would be denied use of most of its continental shelf for purposes of weapons deployment.

(2) Existing differences among states concerning the extent of national claims over coastal waters might complicate efforts to achieve agreement on such a zone.*

(3) Some countries may be reluctant to accept such a zone because they are concerned about the implications for other seabed and law-of-the-sea negotiations. The UK, for example, has expressed the fear that a 12-mile zone would jeopardize exploitation of its continental shelf.

* DOD would substitute the following for this paragraph:

(2) Many nations may view a U.S. arms control proposal incorporating a 12-mile band as implicit recognition of the validity of the 12-mile territorial sea. This might jeopardize the current negotiating position of the United States that it will not recognize the validity of 12-mile territorial sea claims unless international agreement can be reached on transit rights through and over straits.

(State does not believe that US efforts to negotiate an agreement establishing a maximum territorial sea of 12 miles and providing for passage through or overflight of straits would be prejudiced. Such discussions would not reveal any element of the US law-of-the-sea position that is not already widely known. We have already agreed to a 12-mile contiguous zone and have by legislation established a 12-mile fishing zone without adverse effect.)

[REDACTED]

F. Article II - Should the width of the band beyond which the prohibition would apply be 3 miles?

PRO:

(1) It would be more consistent with our present international position on the limit of the territorial sea.

(2) An initial position based on the current US claim to territorial seas would serve to protect the US position in other ongoing international discussions on the limit of the territorial sea and rights of transit through straits.

(3) Such an opening position will serve to test the resolve of the Soviets and to probe their intentions with respect to the limits they would accept for a seabed arms control measure.

CON:

(1) The US would be denied use of most of its continental shelf for purposes of weapons deployment.

(2) Such a formulation might be unacceptable to states claiming 12 miles who would not be willing to extend implicit recognition to the validity of the 3 mile territorial sea.

(3) A 3 mile limit would limit the right of states claiming 12 miles to deploy weapons in a portion of their territory and would, if an inspection provision is included, convey the right to others to inspect in that area. Such a restriction is likely to be unacceptable to many states, especially the Soviet Union.

(4) Even as an opening position, such a formula could give rise to charges that the US, by proposing an unacceptable measure, is not serious about obtaining an agreement.

G. Article III - Should the treaty provide for inspection?

PRO:

(1) The basic issue regarding inspection is whether US national verification capabilities are adequate by themselves to protect US security. SNIE 11-12-68 concludes that even after detection of deployment, verification of a violation would probably be a costly and time-consuming process and we might not be able to confirm that a violation had occurred unless we had a right of inspection.

(2) An inspection provision would strengthen the confidence of all parties that the prohibition would be observed. Moreover, rights of inspection utilizing national means would parallel provisions of the Soviet draft, thus making it easier to obtain agreement on this approach.

(3) Interference with legitimate activities could be minimized by means of the provision that advance notice be given and that maximum precautions be taken to assure safety and avoid interference with normal activities of installations to be inspected.

(4) The absence of any provision for unilateral inspection might lead to unacceptable proposals for an international inspection system.

(5) The US has traditionally held that arms control arrangements must be adequately verified by inspection when necessary. Failure to so provide in this instance could undercut US efforts in other arms control agreements to obtain adequate inspection. In view of the Soviet advocacy of the inspection in the seabeds treaty, this could prove to be politically embarrassing as well. It would also present problems, from the standpoint of world opinion, in explaining this reversal of a traditional US position.

CON:

(1) An inspection provision could increase the risk of compromise of sensitive US installations and might deter their deployment.

(2) An inspection provision will be unsatisfactory to states that do not possess their own national capabilities, thus provoking possible unacceptable proposals for international inspection.

(3) An inspection provision might raise concerns by other states regarding interference with commercial or other non-military uses of the seabed or compromise of industrial secrets.

(4) The right of inspection may create international pressures for the US to describe and indicate locations of all military equipment and military installations thus incurring the risk of making public sensitive US activities.

(5) We have far more military and commercial installations on the seabed.*

(6) The major problem in verification of this treaty would be to locate the suspected device. This location problem is not resolved by an inspection (visiting disassembly or unbolting) provision.

3. What are the prospects for obtaining agreement on the various formulations of the treaty?

A. General Prospects

The US draft treaty, although less sweeping than the Soviet draft and probably less attractive to many non-aligned countries, stands a good chance of acceptance. This conclusion is based on the following considerations:

(1) The Soviets want an arms control measure to show the UN General Assembly when it meets in September. They have indicated some flexibility regarding the provisions of a seabed treaty. The major differences between the US and Soviet position-- inclusion of conventional weapons, surveillance systems and other military activities--can probably be negotiated. There is already some support from other countries on excluding surveillance and other defensive non-weapons systems from the prohibition. If we stand firm on our position of prohibiting weapons of mass destruction, and if other differences appear negotiable, Soviet interest in achieving some kind of treaty before the General Assembly meets may lead them to drop their insistence on the prohibition of conventional weapons.

* DOD would add:

" , therefore, the U.S. has more to lose than the Soviets do from an inspection provision."

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(2) The other ENDC members also want progress on a concrete measure before the General Assembly meets, since they too have an interest in the continued viability of the ENDC. Given the current impasse on other items before the ENDC, there is a growing consensus that a seabeds agreement is the only measure ripe for negotiation. Once it becomes clear that the US will not accept further restrictions, the interest of the other members in making progress on a treaty would facilitate their acceptance of an agreed US-USSR draft.

(3) Other countries, especially the non-nuclear states, would probably welcome a treaty which, by banning weapons of mass destruction, constitutes a restriction on the superpowers, who are the only states able to deploy such weapons on the seabed. Such a restriction would appeal to the non-nuclear states as an initial effort to redress what many consider the unbalanced obligations of the NPT.

B. Prospects for Agreement on Specific Formulations

(1) All Weapons vs. Fixed Weapons

Given the sweeping Soviet draft, the US draft will be judged according to how far it appears to go in preventing extension of the nuclear arms race. In this situation, prohibition of all weapons of mass destruction, as well as their launching platforms or delivery vehicles will be more likely to gain acceptance than prohibition of only fixed weapons or launching platforms.

(2) Width of Band: 3 miles vs. 12 miles

A 12-mile band would coincide with a limit which is well-grounded in international law and practice, and has already been proposed by the Soviets. Since many states will regard a 3-mile limit as an infringement of their sovereignty, the 12-mile band would probably be more susceptible of wide agreement.

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(3) Prohibition Up to the Coast or Up to the
Narrow Band

Any preference for one of these alternative formulations can not be confidently predicted. On the one hand, prohibition up to the coast of any state provides maximum coverage of the area beyond the band adjacent to a state and thus eliminates the option of deploying weapons in the band adjacent to a friendly or allied state. On the other hand, a prohibition extending only to the band adjacent to the coast of any other state avoids the problem of verifying compliance within the narrow band adjacent to other states (which might raise questions of infringement of sovereignty). This latter formulation also protects the right of states to allow the deployment of nuclear weapons in their territorial waters by other states. On balance, it appears that the formulation which extends the prohibition up to the narrow band of other states would be easier to negotiate.

(4) Inclusion of Inspection Provision

Most countries, whether or not they intend to conduct inspections, will view such a provision as insurance that other parties will comply with the treaty. Also, in view of the inclusion of such provision in the Soviet draft, omission of inspection in the US draft would be conspicuous and would require explanation in order to allay possible suspicions of our intentions. Accordingly an inspection provision would probably enhance the prospects for agreement. However, it should be noted that the prospects of agreement on inspection rights depend on the extent to which any inspection involved would need to be carried on in areas of claimed national sovereignty or jurisdiction.

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4. What are the factors affecting the timing of our proposing a specific treaty draft? (See TAB C)

A. Status of ENDC Discussions: Submission of a US draft at an early date will facilitate progress in the negotiations by permitting consideration in capitals during the expected ENDC recess from mid-May to mid-June. In view of the strong pressures to start early negotiations on a sea-beds arms control measure, the Co-Chairmen have had no recourse but to initiate informal discussions on this subject April 30.

B. August Meeting of UN Seabeds Committee: Progress in the ENDC on this measure will be needed to hold down pressures for the UN Seabeds Committee (scheduled to meet in mid-August) to assume a more active role in seabeds disarmament. Several members of this committee were clearly dubious that the ENDC would accomplish anything. We would be in a less favorable position if the primary focus of discussions shifted from the ENDC to the UN Seabeds Committee. Such considerations also argue for early submission of a US draft.

C. Consultations:

We will wish to consult with our allies before tabling a draft. These consultations would focus on whether the US draft offers a reasonable basis for initiating negotiations. Since preliminary discussions of the vital factors of our approach have already been held in NAC and elsewhere, consultations could be completed in time to submit our draft before the ENDC recesses in mid-May. However, we should also be prepared to consider circulating the draft during the summer recess, if consultations require additional time.

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Draft Treaty Prohibiting the Emplacement of Nuclear Weapons and
Other Weapons of Mass Destruction on the Seabed and Ocean Floor

The States Parties to this Treaty,

Recognizing the common interest of all mankind in the
progress of the exploration and use of the seabed and ocean
floor for peaceful purposes,

Considering that the prevention of a nuclear arms race
on the seabed and ocean floor serves the interests of main-
taining world peace, reduces international tensions, and
strengthens friendly relations among States,

Convinced that this Treaty will further the principles and
purposes of the Charter of the United Nations, in a manner
consistent with the principles of international law and
without infringing the freedoms of the high seas,

Have Agreed as Follows:

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ARTICLE I

1. Each State Party to this Treaty undertakes not to /Alternative 1: emplace or fix nuclear weapons or other weapons of mass destruction, or launching platforms or delivery vehicles therefor, on, within, beneath, or to /Alternative 2: emplant or emplace fixed nuclear weapons or other weapons of mass destruction or associated fixed launching platforms on, within or beneath / the seabed and ocean floor beyond a narrow band, as defined in Article II of this Treaty, /Alternative 1: adjacent to its coast and up to the coast of any other State. /Alternative 2: adjacent to the coast of any State. /

2. Each State Party to the Treaty undertakes to refrain from causing, encouraging, facilitating or in any way participating in the activities prohibited by this Article.

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ARTICLE II

1. For purposes of this Treaty, the outer limit of the narrow band referred to in Article I shall be measured from baselines drawn in the manner specified in paragraph 2, hereof. The width of the narrow band [Alternative 1: shall be twelve (12) miles.] [Alternative 2: shall be three (3) miles.]

2. Leave Blank

ARTICLE III

Any State Party to the Treaty shall have the right to inspect all installations and structures emplaced or fixed on, within, beneath or to the seabed beyond the narrow band adjacent to the coast of any State for the exclusive purpose of verifying compliance with this Treaty. In the event access to such installations and structures is needed, representatives of any such State Party shall give reasonable advance notice, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety, and to avoid interference with normal activities and operations of the installations or structures to which access is requested. (The alternative to this formulation is to omit the provision.)

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ARTICLE IV

Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party on the date of acceptance by it.

ARTICLE V

Each Party shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its Country. It shall give notice of such withdrawal to all Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

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ARTICLE VI

1. This Treaty shall be open for signature to all States. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of _____; which are hereby designated the depositary governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by five governments including the governments designated as depositary governments.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty it shall enter into force on the date of the deposit of their instruments of ratification or accession.

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5. The depositary governments shall promptly inform all signatory and acceding states of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the receipt of other notices.

6. This Treaty shall be registered by the depositary governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE VII

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the depositary governments. Duly certified copies of this Treaty shall be transmitted by the depositary governments to the governments of the signatory and acceding States.

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EFFECT OF PROHIBITIONS OF ALTERNATIVE
FORMULATIONS OF ARTICLE I

I. Alternatives 1 and 2 of Article I (Tab A) involve differing prohibitions. In order to clarify the differences, they are spelled out below in terms of representative lists of activities and weapons systems, both prohibited and non-prohibited. Although the lists of examples are not intended for public use, at some point in the negotiations it may be necessary to illustrate what kinds of facilities would be prohibited under the US draft treaty. Further, it may be desirable to indicate to our allies the kinds of facilities that would be permitted.

II. What Would not be Prohibited under Either Alternative

There will be a wide range of military activities on the seabed which would not be prohibited under either formulation. In particular, both formulations are designed not to prohibit the use of the seabed by submarines and other mobile submersible weapons systems whose principal mode of deployment or operation does not require use of the seabed. For example, if a submarine requires contact with the seabed to launch its missiles, it would be prohibited only under Alternative I. However, if a submarine has the operational option of launching its missiles either from the seabed or in the water column above, it would not be prohibited under either Alternative. All other military uses of the seabed not involving weapons of mass destruction would also be permitted under either formulation.

For example, the following activities would not be prohibited:

A. Temporary anchorage of submarines (or other ships carrying nuclear weapons), whether for emergency purposes, for purposes incident to navigations, for purposes of avoiding detection, or for purposes of launching missiles (Polaris, Poseidon, ULMS).

B. Deployment of conventional weapons.

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C. All other non-weapons activities, such as:

1. Surveillance systems
2. Oceanographic research
3. Sealab-type installations
4. Nuclear power reactor

III. What Would be Prohibited under Alternative 2 of Article I

The effect of Alternative 2 would be to prohibit only the implanting or emplacing of fixed nuclear weapons or other weapons of mass destruction, or their associated fixed launching platforms, on, within, or beneath the zone of application.

Under this formulation the prohibition would include, for example:

- A. Manned or unmanned missile silos or other fixed installations for weapons of mass destruction
- B. Encapsulated weapons of mass destruction:
 1. Resting on the seabed
 2. Anchored to the seabed and floating above it
- C. Tethered nuclear mines

IV. What would be Prohibited under Alternative I.

In addition to the prohibitions under Alternative II, the following would be prohibited:

- A. Mobile submersible weapons systems whose principal mode of deployment or operation requires use of the seabed, such as:

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1. Bottom crawlers
2. Bottom resting systems moved from one station to another

V. Either alternative of Article I would probably be interpreted, in the absence of a negotiating record to the contrary, to preclude the conduct of nuclear weapons test on or under the ocean floor beyond the limit of the agreed band. Thus, if circumstances led to the Limited Test Ban Treaty (LTBT) prohibitions not being applicable, the prohibition in this Treaty could still ban such testing. The consequences of this additional prohibition should be weighed in the light of our interest in such testing, in the event that the LTBT prohibitions (including those relating to the atmosphere, outer space, and under water) no longer applied.



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H 02, INR 07, L 03, NASA 04, NEA 13, NSAE 00, NSC 10, OIC 05, OST 01,
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SUBJECT: ENDC-PROSPECTS FOR PROGRESS

1. AFTER FOUR WEEKS, PATTERN OF CURRENT ENDC SESSION HAS
BEGUN TO EMERGE CLEARLY. MOST DELS (AND PARTICULARLY
THOSE "NON-ALIGNED" DELS WHICH BORE THE BRUNT IN 1968
RESUMED SESSION UNGA IN GETTING RESOLUTION COMMENDING NPT
PASSED BY LARGE VOTE) FEEL STRONGLY THAT SUBSTANTIAL PROGRESS
MUST BE MADE BY ENDC BEFORE 24TH UNGA IF ENDC IS TO CONTINUE TO
BE ACCEPTED AS PRIMARY NEGOTIATING FORUM FOR DISARMAMENT.

2. IT IS OBVIOUS NOW THAT NO REAL PROGRESS IS POSSIBLE
ON CTB OR CUT-OFF IN ABSENCE MAJOR CHANGES IN POSITIONS
BY NUCLEAR POWERS. PROGRESS ON CBN AWAITS SYG EXPERTS STUDY
SCHEDULED FOR COMPLETION EARLY SUMMER. NON-USE, NFZS AND
GCD DESPITE USUAL INITIATIVES ARE GENERALLY RECOGNIZED AS
NON-STARTERS.

3. MOOD OF CONFERENCE IS THAT TIME HAS ARRIVED TO TURN
SERIOUSLY TO HAMMERING OUT AN AGREEMENT ON SEABEDS AS ONLY
ITEM ON WHICH PRACTICAL RESULTS BEFORE 24TH UNGA ARE POSSIBLE.
SOVIETS HAVE TACTICAL ADVANTAGE OF HAVING TABLED DRAFT

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TREATY. IN ADDITION TO SOVIET EE CLAQUE, NIGERIA, SWEDEN, MEXICO, AND ETHIOPIA IN PLENARY SPEECHES HAVE PRAISED SOVIET INITIATIVE IN SUBMITTING DRAFT. BRAZIL AND INDIA HAVE VOICED SUPPORT PRIVATELY AND IT LIKELY THEY WILL DO SO IN PLENARY.

4. US HAS CLEARLY STATED ITS POSITION ON SEABEDS (GENEVA 964). HOWEVER, MOST DELS BELIEVE NEXT MOVE MUST COME FROM US IN FORM OF COUNTER-DRAFT AT LEAST OF ART I OF SEABEDS TREATY. IN MEANTIME CONSENSUS SEEMS TO BE EMERGING IN FAVOR OF HOLDING ADDITIONAL MEETINGS ON WEDNESDAYS EXCLUSIVELY FOR DISCUSSING A MEASURE ON WHICH AGREEMENT IS PROMISING, I.E., SEABEDS.

5. PRESENTATION OF COUNTER-DRAFT WOULD ON SHORT TERM PREVENT SEABEDS DISCUSSIONS FROM BEING MOLDED SOLELY AROUND SOVIET DRAFT. TABLING COUNTER-DRAFT ART I OF SOVIET TREATY WOULD FOCUS DISCUSSION ON WHAT SHOULD BE PROHIBITED AND GIVE US TIME TO FORMULATE POSITIONS ON OTHER FACTORS AT LATER DATE. IN THIS CONNECTION WE THINK MOST DELS WOULD NOT EXPECT AGREEMENT TO BE REACHED ON COMPLETE TREATY UNTIL TOWARD END OF RESUMED ENDC SESSION THIS SUMMER. BUT IN VIEW EXPECTED DELAYS OF OTHER DELEGATIONS IN GETTING REACTIONS FROM THEIR CAPITALS TO COUNTER PROPOSAL, WE EXPECTED TO MAKE, BELIEVE IT WOULD BE ADVANTAGEOUS TO US TO BE IN POSITION TO TABLE COUNTER-DRAFT ON ART I NEXT WEEK, OR AT LATEST AT FIRST SUBSTANTATIVE WEDNESDAY MEETING (LIKELY TO BE HELD APRIL 23).
GP-3. TUBBY